

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOUBET CONSULTING, LLC, et al.,

Plaintiffs,

-against-

RACKSPACE TECHNOLOGY, INC.,

Defendant.

23-CV-00526 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

On January 23, 2023, Plaintiffs filed a Complaint in which they invoked the Court's subject-matter jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d). *See* ECF No. 1, ¶ 21. Although Plaintiffs state that "diversity exists because some of the Plaintiffs and Class members and Defendant are citizens of different states" the Complaint does not contain any allegations about Defendant's citizenship. *Id.* ¶¶ 21. Plaintiff Doubet Consulting, LLC is plead as a citizen of New York and Plaintiff GL2 Partners, Inc. as a citizen of Texas. *Id.* ¶¶ 24-25. However, there is no information about Defendant's citizenship. "Under CAFA, as under the traditional rule, the party asserting subject matter jurisdiction has the burden of proving it." *Blockbuster, Inc. v. Galeno*, 472 F.3d 53, 59 (2d Cir. 2006). Plaintiff cannot establish minimal diversity since the complaint lacks any information about the citizenship of the defendant. *See, e.g., Suero v. NFL*, No. 22-CV-31 (AKH) (BCM), 2022 WL 17985657, at \*7 (S.D.N.Y. Dec. 16, 2022) (finding failure to establish minimal diversity when Plaintiffs had only plead facts about non-diverse defendants, but did "not allege facts sufficient to determine the citizenship of all defendants").

Accordingly, no later than **February 1, 2023**, Plaintiffs shall file an amended complaint properly alleging the *citizenship* of each party to this action. If, by that date, Plaintiffs do not file an amended complaint establishing this Court's subject-matter jurisdiction, the Court will dismiss the case without prejudice and without further notice to any party.

Dated: January 24, 2023

New York, New York

SO ORDERED.

  
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JENNIFER L. ROCHON  
United States District Judge